

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

For Online Publication Only

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MATTHEW GINSBERG,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.
-----X

AZRACK, United States District Judge:

ORDER

20-CV-00207 (JMA) **FILED
CLERK**

1/29/2021 5:22 pm

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

Before the Court is the in forma pauperis application filed by pro se plaintiff, Matthew Ginsberg (“plaintiff”). For the reasons that follow, the application to proceed in forma pauperis is denied without prejudice and with leave to renew upon completion of the AO 239 Long Form in forma pauperis application (“Long Form”) attached to this Order. Alternatively, plaintiff may remit the \$400.00 filing fee.

Plaintiff reports that he is presently employed and earns \$1,400/month, has no other sources of income, and has \$50.00 in cash or in a checking or savings account. (See ECF No. 2, ¶¶ 2-4.) However, although plaintiff reports having no debts or financial obligations (id. ¶ 8), plaintiff’s reported monthly expenses far exceed his reported monthly income and savings. (Id. ¶¶ 6-7.) Plaintiff reports regular monthly expenses in the total sum of \$3,542. (Id.) Given that the responses provided by plaintiff raise more questions than they answer, plaintiff’s application is denied without prejudice and with leave to renew upon completion of the long form application enclosed with this Order within twenty-one (21) days from the date of this Order. Alternatively, plaintiff may remit the \$400.00 filing fee. Plaintiff is warned that a failure to timely comply with this Order may lead to the dismissal of the complaint without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

SO ORDERED.

Dated: January 29, 2021
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE